

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MAINE**

[illegible]

## REPORT OF PRE-FILING CONFERENCE UNDER LOCAL RULE 56(h)

A Local Rule 56 pre-filing conference was held on February 22, 2017.

The plaintiffs Suuqa Bakaro Grocery and Mahdi Irobe have asserted one count pursuant to 7 U.S.C. § 2023(a), seeking judicial review of the defendant United States Department of Agriculture’s decision to disqualify them from participation in the Supplemental Nutrition Assistance Program (SNAP).

The parties discussed the proper standards of review that would apply to the defendant agency's decision to disqualify the plaintiffs from SNAP. The parties agreed that, in reviewing the agency's decision, the court conducts a two-step process. First, the court determines de novo whether a violation occurred. Broad St. Food Mkt., Inc. v. United States, 720 F.2d 217, 220 (1st Cir. 1983); Collazo v. United States, 668 F.2d 60, 65 (1st Cir. 1981). The plaintiffs have the burden of showing by a preponderance of the evidence that a violation did not occur. See 7 U.S.C. § 2023(a)(16); Hajifarah v. United States, 779 F. Supp. 2d

191, 204 (D. Me. 2011). If the court finds that a violation did indeed occur, however, the court then applies the arbitrary and capricious standard of review to evaluate whether the agency properly imposed the sanction. Broad St. Food Mkt., 720 F.2d at 220.

The Court endorses the following schedule proposed by the parties:

By March 10, 2017, the parties shall file their joint factual stipulations.

By March 27, 2017, the defendant shall file its motion for summary judgment with supporting materials in accordance with Local Rule 56. The defendant indicated that it would file a hard copy of the Administrative Record, which totals approximately 750 pages in length, as part of the record.

By April 24, 2017, the plaintiffs shall file their response in accordance with Local Rule 56.

By May 8, 2017, the defendant shall file any reply.

**SO ORDERED.**

**DATED THIS 22<sup>ND</sup> DAY OF FEBRUARY, 2017**

/s/D. BROCK HORNBY  
**D. BROCK HORNBY**  
**UNITED STATES DISTRICT JUDGE**